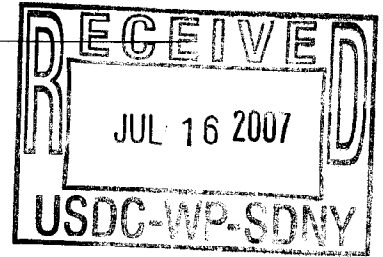


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Plaintiff,

**SAKS INCORPORATED, ET. ANO.**

Defendant,



STATE OF NEW YORK)  
                                  )SS.  
COUNTY OF ALBANY )

MARIA SCHMITZ being duly sworn, deposes and says:

That she is over the age of eighteen years and is not a party to this action.

That on the 29th day of June, 2007, she served the Summons, Complaint and Electronic Filing Insutructions on SAKS FIFTH AVENUE, INC., an authorized foreign corporation, one of the defendants in this action by personally delivering to and leaving with a person, CAROL VOGT, a white female with brown hair, brown eyes, approximately 48 years of age, 5'0" and 125 lbs. authorized by the Secretary of State to receive such service, at the office of the Department of State in the City of Albany, New York, duplicate copies thereof together with the sum of \$40.00 (forty dollars), the statutory fee.

Sworn before me this  
29th day of June, 2007

Lanette A. Kirsch

LAWRENCE A. KIRSCH  
4787475

Notary Public - State of New York  
Residing in Albany County  
Commission Expires May 31, 2011

Maria  
MARIA SCHMITZ